

REMARKS

Claims 1-9 are pending in the present Application. As will be discussed below, Claims 7 and 8 have been amended. No new matter has been added. Accordingly, entry of the present Amendment is requested.

Referring to page 2 of the Office Action, Claim 8 has been objected to under 37 C.F.R. § 1.75(c) as being in improper form. Specifically, Claim 8 is criticized as not being in an alternate form and being dependent upon an already multiple dependent claim (Claim 7).

In response, Applicants have amended Claim 8 to eliminate the multiple dependency.

In view of the amendment to Claim 8, Applicants respectfully submit that the claims comply with the requirements of 37 C.F.R. § 1.75(c). Accordingly, withdrawal of this objection is requested.

Additionally, Claim 7 has been objected to because of a typographical error. Applicants have corrected this typographical error in Claim 7. Accordingly, withdrawal of this rejection is also requested.

Claims 1-4, 8 and 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,723,527 to Sadatoshi *et al.*

It is noted on page 3 of the Office Action that the composition taught by Sadatoshi comprises thermoplastic crystalline polypropylene, rubber and talc having a particle size of less than 4 microns. With regard to conditions (a) - (c), it is indicated that, in effect, these are inherently satisfied. With regard to the X-ray scattering data, it is asserted that it "depends on the composition." With regard to the presently claimed microseparation, it is asserted that "if vinyl aromatic rubber undergoes micro separation in one case, it would be the same in another absent

unexpected result." Lastly, with regard to the presently claimed glass transition temperature, it is asserted that "it depends on properties of the polymers."

Applicants respectfully traverse this rejection for the following reasons.

Sadatoshi discloses a thermoplastic resin composition comprising (A) a crystalline polypropylene, (B) an ethylene-butene-1 copolymer rubber, (C) ethylene-propylene copolymer rubber, (D) talc having an average particle diameter of 4 μm or less, and (E) fibrous magnesium oxysulfate. Sadatoshi further discloses in lines 44-55 of column 8 that a vinyl aromatic compound-containing rubber can further be incorporated into the thermoplastic resin composition.

In contrast, in the present claimed invention, crystalline polypropylene-based resin (1) is melt-kneaded with the elastomer (2) containing a vinyl aromatic compound-containing rubber, the elastomer satisfying the conditions (a) and (b) recited in Claim 1. Sadatoshi is silent as these conditions and Applicants respectfully submit that the same would not have been *prima facie* obvious from Sadatoshi.

Referring to Referential Examples 1-5 of the present application, the crystalline polypropylene-based resin (a) contains a crystalline ethylene-propylene block copolymer (BC) and a propylene homopolymer (PP); and the elastomer (2) is selected from vinylaromatic compound-containing rubbers (which comprise a vinyl aromatic compound-containing rubber or a combination of a vinyl aromatic compound-containing rubber and an ethylene- α -olefin random copolymer rubber), In Referential Examples 1-3, conditions (a) and (b) are satisfied. In Referential Examples 4 and 5, conditions (a) and (b) are not satisfied.

Compositions containing an elastomer (2) containing a vinyl aromatic compound-containing rubber that does not meet conditions (a) and (b) in relation to the crystalline polypropylene-based resin (1) used provide, as seen in Comparative Examples 1-3, molded articles with exhibit unsatisfactory performance. *See*, Table 6 on page 54 of the specification.

Sadatoshi fails to specifically disclose any thermoplastic resin composition containing an elastomer containing a vinyl aromatic compound-containing rubber. It also fails to teach, suggest or appreciate the advantages of such vinyl aromatic compound-containing rubber that satisfies the presently claimed conditions in relation to the crystalline polypropylene-based rubber.

In view of the foregoing, Applicants respectfully submit that the present claimed invention is not anticipated or rendered *prima facie* obvious by Sadatoshi. Accordingly, withdrawal of this rejection is requested.

Claims 5 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sadatoshi in view of U.S. Patent No. 5,880,198 to Kobayashi. Additionally, Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sadatoshi in view of Kobayashi and further in view of U.S. Patent No. 6,011,102 to Shimano.

In connection with these rejections, it is asserted that:

The difference, between the present invention and the disclosure of the prior art of Sadatoshi is the limitation of the amount of the vinyl aromatic compound containing rubber . . . it would have been obvious to one having ordinary skill in the art at the time of the instant invention to add the elastomer of Kobayashi in a disclosed amount to the composition of Sadatoshi and thereby obtain the claimed invention.

Applicants respectfully traverse this rejection for the following reasons.

As discussed above, Sadatoshi neither discloses nor suggests that, in order to provide compositions that provide molded articles with desirable properties, one should select elastomer (2), as presently claimed that meets certain conditions (*i.e.*, conditions (a) and (b) recited in Claim 1) in relation to the crystalline polypropylene-based resin (1).

Kobayashi discloses a resin composition containing a propylene polymer component, a styrene-containing elastomer component and talc, and it teaches the amount of the styrene-containing elastomer. However, Kobayashi does not rectify the deficiencies noted above in Sadatoshi.

With respect to Shimojo, it is asserted that:

the difference between the present invention and the disclosure of the prior art of Sadatoshi and Kobayashi is the recitation of the amount of the ethylene-octane rubber component . . . it would have been obvious to one having ordinary skill in the art at the time of the instant invention to add the elastomer of Shimojo in a disclosed amount of the composition of Sadatoshi and a disclosed amount of the composition of Sadatoshi and Kobayashi and thereby obtain the claimed invention.

Shimojo discloses a polypropylene-based resin composition comprising a crystalline polypropylene-based resin (A), an ethylene-octene copolymer rubber (B) and talc (C). It also discloses the amount of ethylene-octene copolymer rubber.

However, as with Kobayashi, Shimojo neither discloses nor suggests the selection of elastomer (2), as presently claimed.

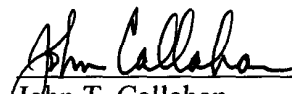
In view of the foregoing, withdrawal of these rejection is also requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/720,343

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

7. (Amended) The thermoplastic resin composition according to claim 5 or 6 wherein the [thermoplastie] thermoplastic resin composition satisfies the following expressions 1)-3) and the melt flow rate of the composition is not less than 35 g/10 min as determined according to JIS-K-6758 at 230°C:

- 1) $(X_{pp}) + (X_{st}) + (X_{EOR}) + (X_{EBR}) + (X_{EPR}) + (X_{talc}) = 100$,
- 2) $0.20 \leq \{ [(Y_{BC}) \times (Y_{EP}) + (X_{st}) + (X_{EOR}) + (X_{EBR}) + (X_{EPR})] / 100 \} \leq 0.30$, and
- 3) $0.1 \leq \{ (Y_{BC}) \times (Y_{EP}) / [(Y_{BC}) \times (Y_{EP}) + (X_{st}) + (X_{EOR}) + (X_{EBR}) + (X_{EPR})] \}$,

wherein (X_{pp}) is the content (% by weight) of the crystalline polypropylene, (X_{st}) is that of the vinyl aromatic compound-containing rubber (2A), (X_{EOR}) is that of the ethylene-octene random copolymer rubber (2B), (X_{EBR}) is that of the ethylene-butene random copolymer rubber (2C) and (X_{EPR}) is that of the ethylene-propylene random copolymer rubber (2D); (Y_{BC}) is the content (% by weight of the crystalline ethylene-propylene block copolymer (1A) and (Y_{EP}) is the weight fraction (weight fraction being content (% by weight) / 100) of the ethylene-propylene random copolymer portion, which is the second segment in the crystalline ethylene-propylene block copolymer (1A); and (X_{talc}) is the content (% by weight) of talc.

8. (Amended) A injection molding obtained by injection-molding the thermoplastic resin composition according to [claims 1-7] claim 1.